

THIRD DAY
(Friday, June 24, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Absent-excused: Doggett.

A quorum was announced present.

The Reverend Dr. Browning Ware, First Baptist Church, Austin, offered the invocation as follows:

Dear God, thank You for teaching us to say Our Father, for if You are Our Father it means we are kin. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Doggett was granted leave of absence for today on account of important business on motion of Senator Mauzy.

CO-AUTHORS OF SENATE BILL 3

On motion of Senator Glasgow and by unanimous consent, Senators Whitmire, Parmer, Montford, Jones, Sims, Lyon, Farabee, Edwards and Sarpalius will be shown as Co-authors of S.B. 3.

CO-AUTHORS OF SENATE BILL 13

On motion of Senator Glasgow and by unanimous consent, Senators McFarland and Parmer will be shown as Co-authors of S.B. 13.

CO-AUTHORS OF SENATE BILL 21

On motion of Senator Uribe and by unanimous consent, Senators Edwards and Sharp will be shown as Co-authors of S.B. 21.

CO-AUTHOR OF SENATE BILL 24

On motion of Senator Jones and by unanimous consent, Senator Sharp will be shown as Co-author of S.B. 24.

REPORT OF STANDING COMMITTEE

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

S.B. 14

SENATE CONCURRENT RESOLUTION 4

Senator Brown offered the following resolution:

WHEREAS, America's space shuttle Challenger was launched on Saturday, June 18, 1983, for its second flight, lasting six days and completing almost 100 orbits of the earth; and

WHEREAS, The shuttle crew members include Robert Crippen, commander; Frederick Hauck, pilot; Norman Thagard, physician; and John Fabian and Sally Ride, mission specialists; and

WHEREAS, This shuttle mission is a truly historic event as it marks the first time that an American woman has traveled into space; and

WHEREAS, As one of 80 astronauts in America's space efforts, including seven women, Sally Ride was selected with 34 other Americans to be a part of NASA's astronaut class of 1978; and

WHEREAS, After receiving her doctorate in astrophysics from Stanford University, Sally Ride gave up her professional research to join her husband, Steve Hawley, in NASA's program; and

WHEREAS, The shuttle program is an outstanding example of international cooperation, scientific advancement, and impressive personal achievement and courage, and each person associated with the program deserves the highest praise, now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 68th Legislature, 1st Called Session, hereby commend space shuttle astronauts Robert Crippen, Frederick Hauck, Norman Thagard, John Fabian, and Sally Ride for their vital contributions to the space exploration program; and, be it further

RESOLVED, That the Legislature also extend special congratulations to Ms. Ride for her special achievements as a woman who is a distinguished scientist and highly qualified astronaut; and, be it further

RESOLVED, That official copies of this resolution be prepared for the Challenger crew members as an expression of high regard and best wishes from the citizens of the State of Texas.

The resolution was read.

On motion of Senator Brown and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE CONCURRENT RESOLUTION 2

Senator Uribe offered the following resolution:

S.C.R. 2, Proclaiming that the people of the State of Texas stand in solidarity with the Soviet Jewry.

The resolution was read.

On motion of Senator Uribe and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE RESOLUTION 20

Senator Howard offered the following resolution:

WHEREAS, On January 31, 1983, Thomas Durwood Manford, Jr., ended an exemplary 42-year career of public service to the State of Texas with his retirement from the State Board of Insurance; and

WHEREAS, Durwood Manford began his tenure with the State Board of Insurance in 1961 with his appointment to fill the unexpired term of Dr. Robert W. Strain; in the ensuing 22 years he became a final authority on such arcane matters as surplus lines of insurance, variable annuity contracts, and insider trading and proxy solicitation and contributed mightily to the body of insurance regulation in Texas; and

WHEREAS, A graduate of Southwestern University at Georgetown and The University of Texas at Austin, Mr. Manford is an attorney who began a career in

politics one year after his marriage to Joyce Price of Georgetown; he was elected to his first term in the House of Representatives of the Texas Legislature in 1941 and served in that body until 1951 and was Speaker of the House during 1949-1951; at various times he was chairman of the committees on House Appropriations, State Affairs, Labor, and Highways and Roads and was Chairman of the Legislative Council; and

WHEREAS, After leaving the legislature, Durwood Manford continued in state government with outstanding service on the State Board for Hospitals and Special Schools, the Industrial Accident Board, and the Texas Board of Water Engineers, but it was felt that he found his true niche on the State Board of Insurance, where his personal and professional integrity will always be remembered; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 68th Legislature, 1st Called Session, express deep and sincere appreciation to Thomas Durwood Manford, Jr., for his 42 years of dedicated service to the people of Texas; and, be it further

RESOLVED, That a copy of this Resolution be prepared under the Seal of the Senate for Durwood Manford and his family as a token of the esteem of the Texas Senate and its best wishes for many happy years of retirement.

The resolution was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

MESSAGE FROM THE HOUSE

House Chamber

June 24, 1983

HONORABLE W. P. HOBBY PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 1, Granting Linda W. Kinney permission to sue the State.

H.C.R. 2, Granting Mission Insurance Company permission to sue the State.

H.C.R. 5, Granting William Kenon, Jr., and George Purvis permission to sue the State.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 20 by Farabee Finance
Relating to an appropriation to Vernon Regional Junior College for employee insurance.

S.B. 21 by Uribe, Sarpalius, State Affairs
Edwards, Sharp
Relating to workers' compensation and employers' liability insurance for certain employees.

S.B. 22 by Lyon, Edwards Finance
Relating to an appropriation for operation of the State Ethics Advisory Commission.

S.B. 23 by Parker Finance
Relating to the duties and authority of the district attorney of the 253rd District Court.

S.C.R. 3 by Mauzy Administration
Granting Harry Goolishian permission to sue the State of Texas.

HOUSE RESOLUTIONS ON FIRST READING

The following resolutions received from the House were read the first time and referred to the Committee indicated:

H.C.R. 1, To Committee on Administration.

H.C.R. 2, To Committee on Administration.

H.C.R. 5, To Committee on Administration.

SENATE RULE 103 SUSPENDED

On motion of Senator Farabee and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on State Affairs might consider the following bills and resolution today at 2:00 o'clock p.m.:

S.B. 12

S.B. 21

S.J.R. 1

H.B. 2

SENATE RULE 103 SUSPENDED

On motion of Senator Santiesteban and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Natural Resources might consider **H.B. 1** today at 2:00 o'clock p.m.

SENATE RULE 103 SUSPENDED

On motion of Senator Jones and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider the following bills today at 3:00 o'clock p.m.:

S.B. 13

S.B. 18

S.B. 19

S.B. 20

S.B. 22

S.B. 23

AT EASE

On motion of Senator Mauzy, the Senate at 11:30 o'clock a.m. agreed to Stand At Ease pending receipt of **H.B. 1** and **H.B. 2** from the House of Representatives.

MOTION TO RECESS

On motion of Senator Mauzy, the Senate agreed to stand recessed until 3:30 o'clock p.m. today upon receipt of **H.B. 1** and **H.B. 2** from the House of Representatives.

IN LEGISLATIVE SESSION

The President at 11:53 o'clock a.m. called the Senate to order as In Legislative Session.

SENATE BILLS ON FIRST READING

By unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 24 by Jones, Sharp Finance
Relating to the conveyance of certain state real property in Fort Bend County.

S.B. 25 by Sharp State Affairs
Relating to the creation of the constitutional office of criminal district attorney of Fayette County and the powers and duties of the district attorney of the 155th Judicial District.

SENATE RULE 103 SUSPENDED

On motion of Senator Farabee and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on State Affairs might consider **S.B. 17** today at 2:00 o'clock p.m.

SENATE RULE 103 SUSPENDED

On motion of Senator Jones and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider **S.B. 24** today at 3:00 o'clock p.m.

AT EASE

The President at 11:54 o'clock a.m. announced the Senate would Stand At Ease subject to the Call of the Chair.

(Senator Sharp in Chair)

IN LEGISLATIVE SESSION

The Presiding Officer at 11:56 o'clock a.m. called the Senate to order as In Legislative Session.

MESSAGE FROM THE HOUSE

House Chamber
June 24, 1983

HONORABLE W. P. HOBBY PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 1, Relating to the Texas Animal Health Commission and the control of brucellosis and other animal diseases; providing penalties.

H.B. 2, Relating to the continuation of the Texas Employment Commission.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 1, To Committee on Natural Resources.

H.B. 2, To Committee on State Affairs.

RECESS

On motion of Senator Mauzy and in accordance with a motion previously adopted, the Senate at 11:59 o'clock a.m. took recess until 3:30 o'clock p.m. today.

AFTER RECESS

The Senate met at 3:30 o'clock p.m. and was called to order by the President.

SENATE BILL ON FIRST READING

By unanimous consent, the following bill was introduced, read first time and referred to the Committee indicated:

S.B. 26 by Glasgow State Affairs
Relating to requiring persons who operate hotels, motels, boarding houses, and similar establishments to install and maintain smoke alarms in sleeping quarters; providing penalties.

REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator Santiesteban submitted the following report for the Committee on Natural Resources:

H.B. 1

By unanimous consent, Senator Jones submitted the following report for the Committee on Finance:

S.B. 13

S.B. 18

S.B. 19

S.B. 20

S.B. 22

S.B. 23

C.S.S.B. 24 (Read first time)

RECESS

On motion of Senator Parker, the Senate at 3:47 o'clock p.m. took recess until 4:30 o'clock p.m. today.

AFTER RECESS

The Senate met at 4:30 o'clock p.m. and was called to order by the President.

AT EASE

The President announced the Senate would Stand At Ease Subject to the Call of the Chair.

IN LEGISLATIVE SESSION

The Senate at 5:02 o'clock p.m. was called to order by the President as In Legislative Session.

PROCLAMATION FROM THE GOVERNOR

The President laid before the Senate the following Proclamation from the Governor:

**PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS**

41-1885

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Under the provisions of Article III, Section 5 of the Texas Constitution, I, Mark White, Governor of Texas, do hereby add to the call of this first called session of the 68th Legislature, now convened, the following:

Legislation appropriating and paying certain miscellaneous claims and judgments against the state.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

41-1890

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Under the provisions of Article III, Section 5 of the Texas Constitution, I, Mark White, Governor of Texas, do hereby add to the call of this first called session of the 68th Legislature, now convened, the following:

Legislation dealing with the prohibition of certain discriminatory practices and the denial of human rights.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

41-1889

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Under the provisions of Article III, Section 5 of the Texas Constitution, I, Mark White, Governor of Texas, do hereby add to the call of this first called session of the 68th Legislature, now convened, the following:

Legislation including certain farm and ranch laborers under the workers' compensation law.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

41-1886

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Under the provisions of Article III, Section 5 of the Texas Constitution, I, Mark White, Governor of Texas, do hereby add to the call of this first called session of the 68th Legislature, now convened, the following:

Legislation requiring persons who operate hotels to install and maintain smoke alarms in sleeping quarters.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

41-1887

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Under the provisions of Article III, Section 5 of the Texas Constitution, I, Mark White, Governor of Texas, do hereby add to the call of this first called session of the 68th Legislature, now convened, the following:

Legislation appropriating state funds for the operation of the State Ethics Advisory Commission.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

41-1888

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Under the provisions of Article III, Section 5 of the Texas Constitution, I, Mark White, Governor of Texas, do hereby add to the call of this first called session of the 68th Legislature, now convened, the following:

Legislation amending the state constitution to allow for the advancement of food and fiber production and marketing through research, education and promotion financed by the producers of agricultural products.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

/s/Mark White
Governor of Texas

Done at Austin, Texas this the 24th day of June, 1983, under the Seal of this State attested by the Secretary of State.

/s/Ed Davis
Assistant Secretary of State

The Proclamation was read and was filed with the Secretary of the Senate.

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Farabee submitted the following report for the Committee on State Affairs:

S.J.R. 1 (Amended)
H.B. 2
S.B. 12

SENATE CONCURRENT RESOLUTION 5

Senator Parker offered the following resolution:

S.C.R. 5, Congratulating the Yellow Jacket baseball team of Port Arthur.

The resolution was read.

On motion of Senator Parker and by unanimous consent, the resolution was considered immediately and was adopted.

HOUSE BILL 1 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 74 and the provisions of the Intent Calendar were suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1, Relating to the Texas Animal Health Commission and the control of brucellosis and other animal diseases; providing penalties.

The bill was read second time and was passed to third reading.

HOUSE BILL 1 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Doggett.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Doggett.

HOUSE BILL 2 ON SECOND READING

On motion of Senator Blake and by unanimous consent, the regular order of business, Senate Rule 74 and the provisions of the Intent Calendar were suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2, Relating to the continuation of the Texas Employment Commission.

The bill was read second time and was passed to third reading.

HOUSE BILL 2 ON THIRD READING

Senator Blake moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 2** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Doggett.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Doggett.

SENATE JOINT RESOLUTION 1 ON SECOND READING

On motion of Senator Sarpalius and by unanimous consent, the regular order of business, Senate Rule 74 and the provisions of the Intent Calendar were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 1, Proposing a constitutional amendment relating to the associations of producers of agricultural commodities.

The resolution was read second time.

Senator Sarpalius offered the following committee amendment to the resolution:

Amend line 18 of **S.J.R. 1** by inserting the number "1" in the blank after "**S.J.R. No.**" and before the comma.

The committee amendment was read and was adopted.

On motion of Senator Sarpalius and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The resolution as amended was passed to engrossment.

SENATE JOINT RESOLUTION 1 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.J.R. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Doggett.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Doggett.

SENATE BILL 22 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business, Senate Rule 74 and the provisions of the Intent Calendar were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 22, Relating to an appropriation for operation of the State Ethics Advisory Commission.

The bill was read second time and was passed to engrossment.

SENATE BILL 22 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 22 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Doggett.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Doggett.

SENATE RESOLUTION 3 ON SECOND READING

On motion of Senator Edwards and by unanimous consent, the regular order of business, Senate Rule 74 and the provisions of the Intent Calendar were suspended to take up for consideration at this time:

S.R. 3, Establishing a special interim committee to study the interdependence of small businesses, high technology, and the state's education system.

The resolution was read second time and was adopted.

SENATE RESOLUTION 22

Senator Jones offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, that the senate resolution governing the intent calendar be amended to read as follows:

BE IT RESOLVED by the Senate of Texas, 68th Legislature, That the following procedures shall apply for use of an Intent Calendar during the 68th Legislature.

(a) During a regular session of the legislature, no bill, joint resolution, or resolution affecting state policy may be considered out of its regular calendar order unless a written notice of intent to suspend the regular order was filed with the Secretary of the Senate prior to 4:00 p.m. on the last preceding calendar day that the Senate was in session. The secretary shall provide forms for this purpose. Notice must be given from day to day. No Member may give notice on more than three bills or resolutions prior to May 1 or on more than five bills or resolutions on or after May 1.

(b) The secretary shall prepare a list of all legislation for which notice has been given. The list must be made available to each Member of the Senate and to the press no later than 6:30 p.m. on the day the notice is filed.

(c) No provision of this rule may be suspended except by four-fifths consent of the Members present.

The resolution was read and was adopted by the following vote: Yeas 25, Nays 4.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Whitmire, Williams.

Nays: Lyon, Mauzy, Truan, Washington.

Absent: Vale.

Absent-excused: Doggett.

SENATE BILL 23 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business, Senate Rule 74 and the provisions of the Intent Calendar were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 23, Relating to the duties and authority of the district attorney of the 253rd District Court.

The bill was read second time and was passed to engrossment.

SENATE BILL 23 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 23** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Doggett.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Doggett.

SENATE RULE 103 SUSPENDED

On motion of Senator Farabee and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on State Affairs might consider **S.B. 26** tomorrow at 10:00 o'clock a.m.

MEMORIAL RESOLUTION

S.R. 19 - By Montford: Memorial resolution for Barnie E. Rushing.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 21 - By Edwards: Commending Mr. Jack H. Kultgen.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 5:50 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

FOURTH DAY

(Saturday, June 25, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Sims, Vale.

A quorum was announced present.

Senator Ed Howard offered the invocation as follows:

Our Father, we thank Thee for the day. We thank Thee especially that we have the opportunity of service. As we go about our deliberations today give us a measure of wisdom, understanding and particularly patience. In Jesus' Name. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Sims was granted leave of absence for today on account of important business on motion of Senator Leedom.

Senator Vale was granted leave of absence for today on account of important business on motion of Senator Truan.

CO-AUTHOR OF SENATE BILL 3

On motion of Senator Glasgow and by unanimous consent, Senator Doggett will be shown as Co-author of S.B. 3.

MESSAGE FROM THE HOUSE

House Chamber
June 25, 1983

HONORABLE W. P. HOBBY PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following: